

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

COLBERT NICHOLS,

Plaintiff,

vs.

JAMES HOLMES, *et al.*,

Defendants.

Case No. 2:09-cv-01698-LDG-GWF

**ORDER**

Motion to Compel and for Fees and Costs  
 (#7) and Motion to Strike (#14)

This matter is before the Court on Plaintiff Colbert Nichols' Motion to Compel and for Fees and Costs (#7), filed December 17, 2010; Defendant's Response to Plaintiff's Motion to Compel (#11), filed January 3, 2011; Plaintiff's Motion to Strike Defendant's Response as Moot (#14), filed January 18, 2011; and Defendants' Response in Opposition to Plaintiff's Motion to Strike (#16), filed January 27, 2011.

**DISCUSSION**

**1. Motion to Compel and for Fees and Costs**

Plaintiff requests that the Court issue an order compelling Defendant to provide the real name and possible service address for Dr. John Doe #1.<sup>1</sup> (#7). Defendant objects to the motion because this information is equally available to Plaintiff if it is in Plaintiff's medical file with the Nevada Department of Corrections ("NDOC"). (#11 at 2-3). According to Defendant, Plaintiff may view his medical file simply by filing a request with prison officials where he is housed. (*Id.*) As information

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<sup>1</sup> Plaintiff's motion also requested an order compelling Defendant to provide Plaintiff with the names of the members of the Utilization Review Panel. (#7 at 1). As Defendant has since disclosed these names (#11 at 2-3; #14), this particular request is now moot and will not be addressed by the Court.

1 related to the identity and possible service address of Dr. John Doe #1 may be easily accessible by  
2 Plaintiff, the Court will deny his present motion without prejudice and direct him to request his medical  
3 file from NDOC officials. If the medical records requested are not in the possession of the NDOC,  
4 Plaintiff may subpoena the records from the Clark County Detention Center.

5 Plaintiff's request for costs and fees is denied.


6 **2. Motion to Strike**

7 Plaintiff's motion to strike Defendant's response is denied as Defendant's response was timely  
8 and proper. Accordingly,

9 **IT IS HEREBY ORDERED** that Plaintiff Colbert Nichols' Motion to Compel and for Fees  
10 and Costs (#7) is **denied**.

11 **IT IS FURTHER ORDERED** that Plaintiff's Motion to Strike Defendant's Response as Moot  
12 (#14) is **denied**.

13 DATED this 31st day of January, 2011.

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16 GEORGE FOLEY, JR.  
17 United States Magistrate Judge  
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